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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,165	07/14/2003	Dawn Duane Evans	1029-1	9503

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McKenna McGovern Burkhart
Suite 2040
134 North LaSalle
Chicago, IL 60602

EXAMINER

MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
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3629

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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,165

Applicant(s)

EVANS, DAWN DUANE

Examiner

Gabrielle McCormick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on July 14, 2003.
2. Claims 1-20 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 9 17, 18, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 8 and 9 recite the limitation "the child". There is insufficient antecedent basis for this limitation in the claims.
6. Claim 17 recites the limitation "A kit in accordance with claim 12". There is insufficient antecedent basis for this limitation. For purposes of examination, claim 17 will be interpreted to be dependent from claim 16. Claims 18-20 either directly or indirectly depend from claim 17 and are therefore rejected as lacking antecedent basis.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over MainStreetMom (page documented at the Internet Archive at <http://web.archive.org/web/20020612031414/http://www.mainstreetmom.com/fun/tooth.h>) in view of Hoffman Mint (documented at the Internet Archive at <http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>).
9. **Claims 1, 2, 8 and 9:** MainStreetMom discloses various methods in use for tooth fairy exchanges of teeth, including *handling the tooth in accordance with the tradition; replacing the tooth* (pg. 1; para. 2). MainStreetMom teaches using US currency, such as coins (pg. 1; para. 4); and retaining the "special coin" (pg.2; para.5) and teeth (pg 3; para.5). MainStreetMom does not disclose using a redeemable token from a business.
10. Hoffman Mint, however, discloses customizable tokens used in place of currency for purchases.
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included redeemable tokens, as disclosed by Hoffman Mint in the system disclosed by MainStreetMom, for the motivation of providing a method of leaving a child a "special coin" that kids will enjoy showing off (MainStreetMom; pg. 2; para. 5).
12. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over MainStreetMom (page documented at the Internet Archive at <http://web.archive.org/web/20020612031414/http://www.mainstreetmom.com/fun/tooth.h>) in view of Hoffman Mint (documented at the Internet Archive at

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<http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>) in view of iccoin.com (documented at the Internet Archive at <http://web.archive.org/web/20011220230435/http://iccoin.com/big1ozsiltoo.html>).

13. **Claims 3, 4 and 5:** MainStreetMom does not teach a set of twenty coins bearing *tooth fairy indicia*.
14. iccoin.com, however, discloses a silver Tooth Fairy coin to be left in exchange for a tooth.
15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a Tooth Fairy coin, as disclosed by iccoin.com, in the system disclosed by MainStreetMom, for the motivation of providing a method of leaving a child a "special coin" that kids will enjoy showing off (MainStreetMom; pg. 2; para. 5) and will become "a permanent silver keepsake that will always be remembered..." (iccoin.com).
16. iccoin.com discloses that the coins are sold in sets of 1, 3 or 10 coins, but does not disclose a set of twenty coins. However, it would be obvious to expand the system of iccoin.com to include a set of twenty coins because children have in excess of 10 teeth that each will lose over the course of childhood and a set of twenty would provide a plentiful and ready supply of coins.
17. **Claims 6-7, 10-11 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over MainStreetMom (page documented at the Internet Archive at <http://web.archive.org/web/20020612031414/http://www.mainstreetmom.com/fun/tooth.h>) in view of Hoffman Mint (documented at the Internet Archive at <http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>) in view of Dominion ("Change for sake of change; [2 Edition]"). Dominion. Wellington, New Zealand: Mar. 6, 1998. pg. 6).
18. **Claims 6 and 7:** MainStreetMom in view of Hoffman Mint teach the limitations of claim 1. MainStreetMom does not teach redeeming the token at a bank for bonds, cash, stock or securities.

19. Dominion, however, teaches that historically, banks used "trading tokens" (pg. 1; para. 7). It is obvious that a token would then be redeemed for other financial instruments, such as cash. Hoffman Mint previously taught (claim 1) that tokens are sold by a business as a means of capturing an immediate sale and may not even ever be redeemed. The tokens represent an intermediary between cash and a product. In the banking markets, bonds, stock and securities are the products, and therefore, a token, like a gift certificate, can be used to ultimately purchase the financial product.
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included bank tokens, as disclosed by Dominion, in the system disclosed by Hoffman Mint, for the motivation expanding the token market to the banking services segment in order for banks to increase sales and profits using tokens as promotional tools. (Hoffman Mint). Through offering a token to a child, the accompanying adult may be encouraged to open an account or purchase a bank CD at the time the child redeems his/her token.
21. **Claims 10, 11 and 15:** MainStreetMom discloses various methods in use for tooth fairy exchanges of teeth, including *handling the tooth in accordance with the tradition; replacing the tooth* (pg 1; para. 2). MainStreetMom teaches using US currency, such as coins (pg. 1; para. 4); and retaining the "special coin" (pg.2; para.5) and teeth (pg 3; para.5). MainStreetMom does not disclose using a redeemable token from a bank and providing instruction.
22. Hoffman Mint, however, discloses customizable tokens used in place of currency for purchases. Hoffman Mint discloses changing the number of tokens sold per dollar in order to have price flexibility, therefore it is inherent that instruction is required in order to understand the value of a token.
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included redeemable tokens and instructions for their use, as disclosed by Hoffman Mint in the system disclosed by MainStreetMom, for the motivation of providing a method of "making the loss of a tooth a fond memory" (MainStreetMom; pg. 1; para. 1).

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24. MainStreetMom does not teach redeeming the token at a bank for bonds, cash, stock or securities.
25. Dominion, however, teaches that historically, banks used "trading tokens" (pg. 1; para. 7). It is obvious that a token would then be redeemed for other financial instruments, such as cash. Hoffman Mint teaches that tokens are sold by a business as a means of capturing an immediate sale and may not even ever be redeemed. The tokens represent an intermediary between cash and a product. In the banking markets, bonds, stock and securities are the products, and therefore, a token, like a gift certificate, can be used to ultimately purchase the financial product.
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included bank tokens, as disclosed by Dominion, in the system disclosed by Hoffman Mint, for the motivation expanding the token market to the banking services segment in order for banks to increase sales and profits using tokens as promotional tools. (Hoffman Mint). Through offering a token to a child, the accompanying adult may be encouraged to open an account or purchase a bank CD at the time the child redeems his/her token.
27. **Claims 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over MainStreetMom (page documented at the Internet Archive at <http://web.archive.org/web/20020612031414/http://www.mainstreetmom.com/fun/tooth.h>) in view of Hoffman Mint (documented at the Internet Archive at <http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>) in view of Dominion ("Change for sake of change; [2 Edition]"). Dominion. Wellington, New Zealand: Mar. 6, 1998. pg. 6) in view of iccoin.com (documented at the Internet Archive at <http://web.archive.org/web/20011220230435/http://iccoin.com/big1ozsiltoo.html>).
28. **Claims 12, 13 and 14:** MainStreetMom does not teach a set of twenty coins bearing *tooth fairy indicia*.
29. iccoin.com, however, discloses a silver Tooth Fairy coin to be left in exchange for a tooth.

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30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a Tooth Fairy coin, as disclosed by iccoin.com, in the system disclosed by MainStreetMom, for the motivation of providing a method of leaving a child a "special coin" that kids will enjoy showing off (MainStreetMom; pg. 2; para. 5) and will become "a permanent silver keepsake that will always be remembered..." (iccoin.com).
31. iccoin.com discloses that the coins are sold in sets of 1, 3 or 10 coins, but does not disclose a set of twenty coins. However, it would be obvious to expand the system of iccoin.com to include a set of twenty coins because children have in excess of 10 teeth that each will lose over the course of childhood and a set of twenty would provide a plentiful and ready supply of coins.
32. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pantagraph ("Dr. Tightwad unveils list of holiday financial gifts; [FINAL Edition]". Pantagraph. Bloomington, Ill.: Nov. 28, 1996. pg. C.1) in view of Hoffman Mint (documented at the Internet Archive at <http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>).
33. **Claim 16:** Pantagraph discloses a tooth-fairy box that can be engraved and a dollar bill that bears the fairy's face that are available for purchase. (pg. 1; para. 1). The Examiner considers the combination of a tooth/money box with tooth fairy denominated money to comprise a kit. Pantagraph does not disclose tokens associated with a business where the token can be redeemed for services and products. However, Hoffman Mint discloses customizable tokens used in place of currency for purchases.
34. Pantagraph discloses a tooth-fairy box that can be engraved and a dollar bill that bears the fairy's face that are available for purchase. (pg. 1; para. 1). The Examiner considers the combination of a tooth/money box with tooth fairy denominated money to comprise a kit.
35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a redeemable token, as disclosed by Hoffman Mint, in the system disclosed by Pantagraph, for the motivation of creating promotional opportunities using a business-specific token to increase the business's sales and profits. (Hoffman Mint).

36. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantagraph ("Dr. Tightwad unveils list of holiday financial gifts; [FINAL Edition]". Pantagraph. Bloomington, Ill.: Nov. 28, 1996. pg. C.1) in view of Hoffman Mint (documented at the Internet Archive at <http://web.archive.org/web/20020301085756/http://www.hoffmanmint.com/tokens.html>) in view of iccoin.com (documented at the Internet Archive at <http://web.archive.org/web/20011220230435/http://iccoin.com/big1ozsiltoo.html>).
37. **Claims 17, 18, 19 and 20:** Pantagraph in view of Hoffman Mint discloses the limitations of claim 16. Pantagraph does not disclose a set of twenty coins bearing *tooth fairy indicia*.
38. iccoin.com, however, discloses a silver Tooth Fairy coin to be left in exchange for a tooth.
39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted a Tooth Fairy coin, as disclosed by iccoin.com, in place of the Tooth Fairy dollar in the system disclosed by Pantagraph, for the motivation of providing a method of leaving a child a "permanent silver keepsake" that will always be remembered..." (iccoin.com).
40. iccoin.com discloses that the coins are sold in sets of 1, 3 or 10 coins, but does not disclose a set of twenty coins. However, it would be obvious to expand the system of iccoin.com to include a set of twenty coins because children have in excess of 10 teeth that each will lose over the course of childhood and a set of twenty would provide a plentiful and ready supply of coins.

Conclusion

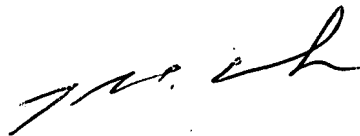
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gabrielle McCormick
Patent Examiner
Art Unit 3629



JOHN G. WEISS
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3600